

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAQUELINE COOPER, INDIVIDUALLY AND	§	
AS EXECUTRIX OF ESTATE OF NATHANIEL	§	
SETH COOPER,	§	
<i>Plaintiff,</i>	§	
	§	
vs.	§	CIVIL ACTION H-07-2699
	§	
MEDTRONIC, INC.	§	
<i>Defendant.</i>	§	

ORDER

This case is before the court on defendant Medtronic Inc.’s motion to restrain plaintiff from contacting Medtronic representatives. (Dkt. 17).¹ Cooper has not responded. The court concludes that the Medtronic’s motion should be granted.

Cooper has sued Medtronic alleging that its negligence in the design and/or manufacture of pacemaker leads caused the death of her son. Medtronic is a corporation represented in this lawsuit by counsel. Cooper is appearing in this case *pro se*. The Cooper family has sent correspondence directly to Bill Hawkins, President and CEO of Medtronic, complaining of defense counsel’s conduct in this case and making settlement demands.²

It is inappropriate for Cooper or her family to contact Medtronic’s officers or employees directly about any matter related to this lawsuit.³ Cooper is instructed to direct

¹ The district court referred this motion to this magistrate judge for resolution (Dtk.18).

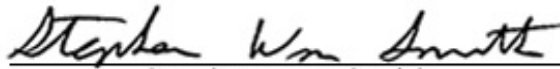
² See September 17, 2007 letter, Ex. A to defendant’s motion; December 27, 2007 letter, Ex. B to defendant’s motion.

³ See Texas Disciplinary Rules of Professional Conduct, Rule 4.02.

all future correspondence to Medtronic's attorneys, who have an ethical obligation to relay settlement offers to their client. If Cooper feels that Medtronic's attorneys are acting unethically, she is instructed to bring the matter to the attention of this court. It is therefore

ORDERED that Medtronic's motion to restrain Cooper's *ex parte* communications with Medtronic, Inc. representatives (Dkt. 17) is granted.

Signed at Houston, Texas on February 1, 2008.



Stephen Wm Smith
United States Magistrate Judge